

Congress of the United States
Washington, DC 20515

October 7th, 2008

Office of Governor Charlie Crist
State of Florida
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Dear Governor Crist:

We write to you to urge you to take immediate action to protect Florida's voters from a rule that will disenfranchise thousands of citizens who want to vote on November 4th, 2008. Florida must change its reputation from one that thwarts democracy to one that protects it. As Governor, you must take steps to make this happen by suspending enforcement of the "no-match" voter registration statute until the federal lawsuit brought to challenge the statute, *Florida State Conference of the NAACP v. Browning*, has been resolved. In this last month of voter registration, voters should not meet significant and unnecessary barriers to voting in November such as that erected by the "no-match" law.

As you know, the "no-match" law prevents voter applicants from becoming registered to vote if the state cannot match their driver's license number, Florida identification number, or the last four digits of their Social Security number with government databases. This matching process is often unsuccessful due to typographical errors by county election staff, or errors within the government databases. Last year, the Social Security Administration reported that 46% of attempted matches of voter registration information with records in its database were unsuccessful.

While applicants are notified of a non-match and an opportunity to provide a copy of the identification, this is another onerous step to voting. If the applicant does not receive or understand the notice, and appears at the polls to vote on Election Day, s/he will be forced to cast a provisional ballot. Even if the voter has produced photo ID on Election Day as required by Florida law, the voter's provisional ballot will only be counted if s/he submits a copy of his or her driver's license or social security card within 48 hours after the election.

During 2006 and 2007, when the "no-match" law was in effect, the law prevented 16,000 voter applicants from being added to the rolls. The citizens affected came disproportionately from minority communities—65% of the no-matches were African-American or Latino applicants. While Latino applicants were 15% of the applicant pool,

they were 39% of those blocked by the law; and though African-American applicants were 13% of the applicant pool, they were 26% of those blocked by the law.

In September 2007, the Florida State Conference of the NAACP, the Haitian-American Grassroots Coalition, and the Southwest Voter Registration Education Project sued the Secretary to challenge the “no-match” law. In December 2007, a federal court in Gainesville issued a preliminary ruling blocking enforcement of the law, but an appellate court reversed that ruling in April 2008. Although the plaintiffs’ subsequent efforts to obtain preliminary injunctive relief were unsuccessful, the case is currently ongoing and will not be decided before the November 4, 2008.

On September 8, 2008, less than four weeks before the voter registration deadline, Secretary Browning announced his intention to enforce the “no-match” law. The Secretary’s ill-advised decision to enforce this law on the eve of a presidential election will pose a significant hurdle to eligible Florida citizens hoping to register and vote in November. During the ten-day period following Secretary Browning’s decision to enforce the law, nearly 1,000 voter applicants were blocked from the rolls in Miami-Dade County alone.

If this trend continues until the registration deadline of October 6, many thousands of additional applicants will be unsuccessful in registering to vote due to “matching” problems. Those unmatched applicants may not receive notice from their supervisor of elections (who will be overburdened with processing voter registration applications, administering early and absentee voting, and preparing for Election Day) or may not understand the notice. If these would-be voters attempt to vote, they will be forced to cast a provisional ballot. These ballots will not be counted, unless they provide a copy of their driver’s license or social security card to their supervisor of elections within 48 hours. Under these circumstances, enforcement of the “no-match” law will inevitably disenfranchise eligible voters.¹

Given the threat that the “no-match” law poses to Floridians’ voting rights, and the adverse impact that the law has already had on eligible voter applicants, we are confident that you will direct Secretary Browning to suspend enforcement of the “no-match” law until *Florida State Conference of the NAACP v. Browning* is resolved. Last minute enforcement of this law right before the presidential election will stand to add to our abysmal history of protecting the voting rights of our citizens.

¹ While the “no-match” law has kept thousands of eligible Floridians off the voter rolls, it serves no useful purpose. Evidence of voter registration fraud is scant to non-existent in Florida, and to the extent that fictitious applicants attempted to vote on Election Day, Florida’s ID law would prevent such voters from casting a ballot.

Sincerely,

A handwritten signature in blue ink that reads "Corrine Brown". The signature is fluid and cursive, with the first name being more prominent.

Rep. Corrine Brown

A handwritten signature in blue ink that reads "Alcee Hastings". The signature is very stylized and cursive, with long, sweeping lines.

Rep. Alcee Hastings

A handwritten signature in blue ink that reads "Kathy Castor". The signature is cursive and clear.

Rep. Kathy Castor

A handwritten signature in blue ink that reads "Debbie Wasserman Schultz". The signature is cursive and spans across the line.

Rep. Debbie Wasserman-Schultz

A handwritten signature in blue ink that reads "Robert Wexler". The signature is cursive and clear.

Rep. Robert Wexler